

Docket No.: 99-961
(PATENT)

REMARKS

Applicants are in receipt of the Office Action mailed July 16, 2004.

The Examiner indicated that the patent application contains claims directed to the following alleged patentably distinct species of the claimed invention:

Group I drawn to claims 1-5, 6-10, 11-13, (claim 31) and claims 32-43.

Group II drawn to claims 14-27, (claim 31) and claims 35-38.

Based on review of the claims, Applicants elect the claims of Group I, with traverse. In view of the significant overlap between the claims of Group I and Group II, and the presence of a generic claim, namely claim 31, to both groups, it is respectfully submitted that the Examiner will be required to search art related to the two groups as part of the analysis of the generic claim.

Moreover, it is respectfully submitted that the subject matter of both groups is sufficiently related that a thorough search for the subject matter of one of the two species would encompass a search for the subject matter of the other species. See MPEP § 803, which states that "[i]f the search and examination of an entire application can be made without serious burden, the Examiner must examine it on the merits, even though it includes claims to distinct or independent inventions." (Emphasis added). This policy should apply in the present application to avoid unnecessary delay and expense to the Applicants and duplicative examination by the Patent Office.

Upon the allowance of a generic claim, Applicants will be entitled to consideration of claims to other species in addition to the elected species, provided that all claims to each additional species are written in dependent form or otherwise include all the limitations of an allowed generic claim as provided by 37 CFR 1.141.

If the Examiner has any questions with respect to this communication, he is kindly urged to call the undersigned.


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Applicants believe no fee is due with this response. However, if a fee is due, please charge our Deposit Account 07-2347, under Order No. 99-961 from which the undersigned is authorized to draw. To the extent necessary, a petition for extension of time under 37 C.F.R. § 1.136 is hereby made, the fee for which should be charged to the aforementioned account.

Respectfully submitted,

Dated: September 14, 2004

By


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